

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**MARKEITH DAIS, an infant by his Guardian
Ad Litem, MICHELLE DAIS-HARVEY, and
MICHELLE DAIS-HARVEY, individually,**

Plaintiffs,

v.

**UNITED STATES, and JOHN DOE 1-100, a
fictitious name,**

Defendants.

2:10-cv-04099-WJM-MF

ORDER

This matter having come before the Court upon Defendant United States' Motion to Alter or Amend the Court's Order of October 21, 2010; and the Court having considered the parties' submissions; and for good cause shown,

IT IS on this 18th day of April 2011, hereby

ORDERED that Defendant's motion is **GRANTED**; and it is further

ORDERED that the Court's October 21, 2010 Letter Opinion and Order are amended, vacating (1) the finding that Plaintiffs may file an administrative claim with the Department of Health and Human Services within 60 days of this dismissal pursuant to 28 U.S.C.S. §2679(d)(5)(A)-(B), and (2) the finding that equitable tolling should be found to permit Plaintiffs to file notice of the claim *nunc pro tunc*; and it is further

ORDERED that all other findings in the Court's October 21, 2010 Letter Opinion and Order remain unaltered.

s/ William J. Martini
William J. Martini, U.S.D.J.